

**REMARKS**

In the above-identified Office Action, the Examiner has rejected claims 2, 6 and 8 as being anticipated by the patent to Gupta et al. The Examiner has stated that the liner layer 22 is broken through by the CMP as shown in Figure 9 performing an etch process to remove layer 16/auxiliary layer which reads on an under etch of said liner by removal of the auxiliary layer as effected such that the liner lying thereof is lifted off. Applicant has amended claim 8 so that it now reads that the auxiliary layer and the liner is perforated so that upon perforation of the liner and the auxiliary layer and under etch of the liner by removal of the auxiliary layer is effected such that the liner can be lifted off. This is not shown by the patent to Gupta et al. which does not perforate the liner and the auxiliary layer prior to the chemical mechanical polishing process. The result of this method is that the auxiliary layer is chemically removed by allowing the upper liner layer to be simply stripped off. By such a method, the perforation allows the chemicals to penetrate underneath the liner and eat away the auxiliary layer and thus, free up the liner to be stripped off. Gupta et al. does not show or suggest such a process.

Claim 3 has been rejected as being unpatentable over the patent to Gupta et al. in view of Li et al. Gupta et al. does not teach or suggest the underlying invention as recited in claim 8 and accordingly, cannot be used to render it obvious with or without a combination with Li et al. Accordingly, claim 3 is patentable over such combination.

Claim 4 has been rejected as being unpatentable over the patent to Gupta et al. in view of Holland et al. Again, Gupta et al. does not teach or suggest the underlying invention as recited in the claim 8 and accordingly, cannot be used in a combination with Holland et al. to render the subject invention of claim 4 obvious.

Serial No.: 09/933,304

Claim 5 has been rejected under 35 U.S.C. § 103 as being unpatentable over the patent to Gupta et al. in view of Chen et al. Again, Gupta et al. does not teach or suggest the underlying invention as recited in the claim 8 and accordingly, cannot be used in a combination with Holland et al. to render the subject invention of claim 4 obvious.

Claim 7 has been rejected under 35 U.S.C. § 103 as being unpatentable over the patent to Gupta et al. in view of Schwalke et al. Again, Gupta et al. does not teach or suggest the underlying invention as recited in the claim 8 and accordingly, cannot be used in a combination with Holland et al. to render the subject invention of claim 4 obvious.

Reconsideration and reexamination are respectfully requested.

With the above amendments and remarks, this application is considered ready for allowance and Applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to contact the undersigned at the below listed number.

Respectfully submitted,

**Welsh & Katz, Ltd.**

By 

Gerald T. Shekleton  
Registration No. 27,466

Date: October 1, 2003

**WELSH & KATZ, LTD.**  
120 South Riverside Plaza  
22nd Floor  
Chicago, Illinois 60606-3913  
Telephone: 312/655-1500